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Mr Bryan Dugdale



Your Ref:

Our Ref: EN010008

Date: 14 December 2012

Dear Mr Dugdale

Application for the Proposed Brechfa Forest West Wind Farm (2008 Planning Act)

Thank you for your correspondence of 6th December 2012 relating your concerns and queries about enforcement responsibilities for the above application.

As noted in your letter, Part 8 of the 2008 Planning Act (Sections 160 - 173) deals with enforcement for development relating to Nationally Significant Infrastructure Projects (NSIPs) or potential NSIP applications.

The duty to monitor and enforce requirements or unauthorised development under the 2008 Planning Act (2008 PA) lies with the relevant local planning authority as detailed in s169 (Notice of unauthorised development) and s173 (The relevant local planning authority). On the basis of the information supplied within your representation, this would be Carmarthenshire County Council.

However, please note that the enforcement sections of the 2008 PA would only be applicable to "development for which development consent is required at a time when no development consent is in force" as per s160 of 2008 PA.

The specific term 'development consent' highlighted above applies only to the type of planning permission required for NSIP applications. The criteria for works that need 'development consent' are substantially above those for a standard planning permission and can be found in Section 14 (Nationally Significant Infrastructure Projects: General) and Section 15 (Generating Stations) of the PA 2008 for wind farms.

Potential enforcement for smaller scale development that do not meet the above criteria would fall under the provisions of the standard Town & Country Planning regime by the local planning authority (Carmarthenshire County Council). As the Planning Inspectorate does not actively pursue enforcement concerns, we would suggest further discussions with Carmarthenshire County Council to resolve the situation.

I hope this response has been helpful, but if you have any further questions relating to the

2008 Planning Act process, please do not hesitate to contact us. Our Helpdesk is also available for queries on 0303 444 5000.

Yours sincerely,

Jack Wride
Case Officer

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our [Information Charter](#) which you should view before sending information to the Planning Inspectorate.